



U.S. Department
of Transportation

**Federal Highway
Administration**

Office of Motor Carriers

PASSENGER CARRIER

Resource Guide



National Motorcoach
Technical Assistance Group
Office of Motor Carriers

January 1998

FOR INTERNAL USE ONLY

NOTICE

This document is disseminated under the sponsorship of the Department of Transportation in the interest of information exchange. The United States Government assumes no liability for its contents or use thereof.

INTRODUCTION

The United States Department of Transportation, Office of Motor Carriers (OMC) is responsible for the safety compliance of the motorcoach industry. As the Truck and Bus Safety Agency, OMC has made the safe and efficient transportation of passengers by motor coach an integral part of its goal to obtain a crash-free environment.

This resource guide, developed by the National Motorcoach Technical Assistance Group, is a tool that was developed to assist Federal and State personnel in conducting Compliance Reviews on passenger carriers. In addition, this document will aid its users in identifying and understanding the unique characteristics of motorcoach operations.

An important component of this manual is the Level I Ramp Inspection Program for motorcoaches. Prior to this program, roadside motorcoach inspections were essentially limited to the Level II Walk-Around Inspections because of the inspector's inability to gain adequate access to the undercarriage of the vehicle. This limitation in obtaining complete roadside information on motorcoach operations impeded the SAFESTAT program's ability to adequately evaluate and identify possible high-risk motorcoach carriers. As more Level I Motorcoach Inspections are conducted, previously unknown performance-based data for motorcoach operations will become available.

Although passenger carriers make up only 3-5% of our motor carrier population, their importance is based upon the fact that they transport our most precious commodity.

TABLE OF CONTENTS:

PART ONE		Page
CHAPTER 1	<u>PASSENGER CARRIER INDUSTRY OVERVIEW</u>	5-7
CHAPTER 2	<u>DEFINITIONS and GENERAL APPLICABILITY</u> 1. For-hire Motor Carriers of Passengers 2. Private Motor Carrier of Passengers Non-business 3. Private Motor Carrier of Passengers Business 4. School Bus Operations	9-14
CHAPTER 3	<u>REGULATORY REQUIREMENTS</u>	15-16
CHAPTER 4	<u>NOTICE OF UNSATISFACTORY SAFETY RATING</u>	17
CHAPTER 5	<u>COMPLIANCE REVIEW PROCEDURES</u> Parts 382-177	19-26
PART TWO		
CHAPTER 6	<u>NORTH AMERICAN STANDARD BUS INSPECTION PROCEDURE</u>	27-36
CHAPTER 7	<u>LEVEL I MOTORCOACH INSPECTION GUIDE</u> (3 person inspection)	37-40
CHAPTER 8	<u>EMERGENCY EXITS</u>	41-46
CHAPTER 9	<u>PORTABLE BUS RAMPS</u> a. Aluminum b. Wooden	47-48
APPENDIX A	<u>GLOSSARY OF MOTORCOACH INDUSTRY TERMS</u>	49-50
APPENDIX B	<u>INTERPRETATIONS</u>	51-66
APPENDIX C	<u>LIST OF MOTORCOACH TAG MEMBERS</u>	67-68
APPENDIX D	<u>SAMPLE INDUSTRIAL DOCUMENTS</u>	69-72

PART ONE

CHAPTER 1

PASSENGER CARRIER INDUSTRY OVERVIEW

Motorcoach INDUSTRY PROFILE

General

This profile is intended to provide a general overview of the motorcoach industry, its operating practices, and safety performances. To understand the structure of the motorcoach industry, understanding the industry's three basic operating characteristics is necessary: regular route service, charters, and tours.

The operation generally thought of as **regular route** is a regularly scheduled service such as Greyhound Lines. Regular route operations consist of scheduled times advertised to the public with motorcoaches departing for specific destinations over predetermined routes. This includes commuter and contract operations for transit authorities and/or private entities. Regular route service fares are normally collected on an individual basis.

Charters are group travel arrangements for affinity groups going to selected destinations for specific purposes, e.g., sporting events, ski trips. Charter operations also include excursions to amusement centers such as Disneyland, Six Flags, or Marine World. Charter service charges are normally computed and assessed on a vehicle's mileage, time of use, or a combination of that.

The third type of operation is **tours**. A tour is generally a selection of destinations (attractions) that a motorcoach company or travel agent has assembled into a tour package advertised to the public. Individuals who purchase a tour package make up the tour group. Typically, tours run for several days and can extend to several weeks.

Unique Aspects of Passenger Carrier Operations

Passenger carriers can operate most transportation operations within a single corporation. These generally consist of commuter operations (metropolitan areas), scheduled runs, school contract, and charter operations. Equipment and drivers used in these operations are often intermingled.

In order to properly investigate passenger carriers, each type of transportation operation must be considered. The intermingling of drivers presents concerns relating to driver qualification, drug and alcohol testing and driver's hours of service limitations.

Companies usually divide their **drivers** into two groups according to seniority or some other form of selection. Drivers in the first group, that drive a regularly scheduled service, are referred to as **regular drivers**. The second group, usually referred to as **extra board drivers**, is given extra or spare runs. For companies that perform all three types of operations, they may assign extra drivers to charters and tours. An exception occurs when a charter or tour broker requests a specific driver, who may be either a regular or extra driver.

Small charter companies usually have many part-time drivers and very few full-time drivers. This characteristic allows them to handle the low-volume midweek motorcoach business and still take care of the greater weekend activity.

Subcontracting:

There may be situations when a motorcoach company may have more business than they have drivers or equipment to accommodate. When this occurs, the motor carrier may opt to handle the additional business in several ways.

1. Brokers the Trip to Another Authorized Carrier

The motor carrier or tour operator can offer this trip to another authorized carrier and receive a commission for referring the trip to the authorized carrier. There are no regulations that govern the arranging (brokerage) of passenger transportation. The motor carrier that ultimately accepts the responsibility for conducting the transportation will be responsible for all regulatory requirements involved with conducting for-hire interstate and/or foreign transportation.

In this type of arrangement, the carrier performing the transportation enters into a contractual agreement with the tour group leader. The carrier then completes a **Charter Order** directly with the group responsible for paying the transportation and subsequently submits an invoice for payment of the transportation charges to that individual or entity.

2. Lease Vehicles From Other Sources

Motor carriers (Lessee) may lease the required number of vehicles from other motor carriers and/or owner-operators of motorcoaches (Lessor). When leasing equipment, the authorized motor carrier retains the responsibility for performing

the subject trip in question and merely leases the additional equipment needed to perform the trip. The *LEASE AND INTERCHANGE OF VEHICLES* regulation found at 49 C.F.R. § 376 (formerly 1057) contain the regulations that address the contractual relationship between lessee and lessor. This regulation explains the provisions which must be included in a written lease agreement. These provisions include procedural rules governing the compensation to be paid (but does not prescribe the actual level of compensation); the period of time within which payment to the lessor shall occur; the enumeration of allowable deductions; and the use of escrow funds. The most important point that a written lease agreement should contain is a statement which says that the authorized carrier (lessee) is taking complete possession and control of the owner-operator 's (lessor) equipment for the specific period of time as identified in the lease arrangement.

Equipment lease arrangements can include the lease of just the equipment or the lease of equipment with driver depending on the needs of the lessee. The authorized carrier is responsible for all aspects of the transportation during the agreed upon period of time the equipment is leased. This includes having the appropriate operating authority and compliance with all of the Federal Motor Carrier Safety Regulations.

Appendix D includes examples of two types of lease agreements:

1. Bus Rental Agreement without Driver;
2. Bus Rental Agreement with Driver; and
3. Interline Agreement

Interline agreements are written contracts that allow for participating carriers to operate in the same terminal facilities at various locations, sell through tickets to passengers and provide for the equitable distribution of revenues for all participating carriers.

Many regular-route motor carriers of passengers operate within limited geographical areas. These areas of operation could be limited by the scope of operating authority held by the carrier or based upon the carriers' financial situation. However, in an effort to reduce any inconvenience to passengers, motor carriers often participate in interline agreements with other carriers to expedite the transfer and movement of passengers.

Motorcoach Manufacturers-

The predominant motorcoach on the road is manufactured by Motorcoach Industries, also known as MCI. Additional manufacturers include, Prevost, Van Hool, Setra, Dina, Eagle, and Neoplan.

CHAPTER 2

DEFINITIONS and GENERAL APPLICABILITY (PART 390)

FOR-HIRE MOTOR CARRIERS OF PASSENGERS

Three factors determine if a motor carrier of passengers is for-hire.

1. The motor carrier provides interstate transportation of passengers for a commercial purpose.
2. The motor carrier is compensated, either directly or indirectly, for the transportation service provided.
3. The transportation service is generally available to the public at large.

All three of the above factors must be present before a motor carrier of passengers is classified as for-hire. If any of the above factors are missing, the motor carrier of passengers would be classified as a business or nonbusiness private motor carrier of passengers.

Transportation of passengers provided by a commercial business which charges a fee, whether direct or indirect, is generally considered available to the public at large. It is immaterial that the transportation service offered may be attractive only to a limited group.

Passenger carriers which are classified as for-hire are subject to the entire body of the FMCSRs, including the minimum levels of financial responsibility in Part 387.

Examples of For-Hire Transportation of Passengers

Intercity Service

A motorcoach company charges a fee and offers daily service between Chicago, IL and Detroit, MI.

1. The motorcoach company provides interstate transportation of passengers in the furtherance of its business;

2. The motorcoach company is directly compensated for the transportation through the fee charged; and
3. The transportation is available to anyone traveling between Chicago and Detroit.

Charter Service

A motorcoach company charges a fee and provides transportation of a tour group from Pennsylvania to various attractions in Washington, DC., and Virginia.

1. The motorcoach company provides interstate transportation of passengers in the furtherance of its business.
2. The motorcoach company is directly compensated for the transportation through the fee charged.
3. The transportation is available to anyone who wishes to use the company's service.

Hotel Courtesy Bus Service

A hotel in Cincinnati, OH picks passengers up at the Greater Cincinnati Airport in Kentucky and provides transportation, via the hotel's bus, back to Cincinnati, OH.

1. The hotel provides interstate transportation of passengers in the furtherance of its business;
2. The hotel is indirectly compensated for the transportation through the cost of the hotel room; and
3. The transportation is available to anyone who wishes to stay at the hotel.

Canoe Rental Company Service

A canoe rental company in Arkansas charges a fee which includes canoe rental and transportation, via the company's bus, to Missouri where the canoe trip originates.

1. The canoe rental company provides interstate transportation of passengers in the furtherance of its business;

2. The canoe rental company is indirectly compensated for the transportation service through the fee charged; and
3. The transportation is available to anyone who wishes to rent a canoe.

PRIVATE MOTOR CARRIERS OF PASSENGERS NONBUSINESS (PMCPs)

PMCPs Nonbusiness provide private transportation of passengers that is not in the furtherance of a commercial purpose. Examples of PMCPs nonbusiness are: Churches, civic organizations, scout groups, and other charitable organizations that may purchase or lease buses for the transportation of their respective groups.

Note: When a church or other charitable organization offers charter bus operations to the general public it is operating as a for-hire carrier.

1. PMCPs Nonbusiness are not subject to the compliance review process unless they are identified, by the Office of Motor Carriers in which the PMCPs Nonbusiness resides, as having ongoing safety problems.

The chart below summarizes the applicability of the FMCSRs to nonbusiness PMCPs.

49 CFR	TOPIC	APPLICABLE
Part 382	Drug & Alcohol testing	Yes
Part 383	CDL	Yes
Part 387	Insurance	No
Part 390	General Applicability	Yes *2,3
Part 391	Qualifications of Drivers	Yes *3,4
Part 392	Driving of Motor Vehicles	Yes
Part 393	Parts & Accessories	Yes *5
Part 395	Hours of Service	Yes *3
Part 396	Inspection, Repair, and Maintenance	Yes *3

2. PMCPs Nonbusiness are subject to the marking requirements in section 390.21.

3. PMCPs Nonbusiness are subject to the Federal Motor Carrier Safety Regulations (FMCSRs). However, they are **exempt** from the financial responsibility requirements of part 387, subpart C of part 391 (background and character), the road and written test requirements of part 391, subpart F of part 391 (files and records), and **all paperwork requirements** of parts 390, 391, 395 and 396.

4. PMCPs Nonbusiness drivers are subject to the minimum physical qualification standards found in Section 391.41. However, Section 391.68 specifically exempts them from having to be medically examined as required by Section 391.45.

5. PMCPs Nonbusiness are exempt from the fuel system requirements of Part 393.67, provided the vehicles fuel systems have been maintained and meet the original manufacturer's standards.

PRIVATE MOTOR CARRIERS OF PASSENGERS BUSINESS (PMCPs)

1. PMCPs Business provide private transportation of passengers in the furtherance of a commercial purpose. Examples would include companies which uses buses to transport their own employees, and professional musicians who use buses for concert tours.

Note: Commercial businesses, such as white water rafting operations, that provide passenger transportation services to the general public are not business PMCPs. They are considered for-hire and are already subject to the FMCSRs.

The chart below summarizes the applicability of the Federal Motor Carrier Safety Regulations to business PMCPs.

<u>49 CFR</u>	<u>TOPIC</u>	<u>APPLICABLE</u>
Part 382	Drug & Alcohol testing	Yes
Part 383	Commercial Driver's License	Yes
Part 387	Financial Responsibility	No
Part 390	General Applicability & Definitions	Yes
Part 391	Qualifications of Drivers	Yes *1
Part 392	Driving of Motor Vehicles	Yes
Part 393	Parts & Accessories	Yes *2
Part 395	Hours of Service	Yes
Part 396	Inspection, Repair, and Maintenance	Yes

1. PMCPs Business are exempt from the road test requirements of Part 391.
2. PMCPs Business are exempt from the fuel system requirements of Part 393.67, provided the vehicle's fuel systems have been maintained and meet the original manufacturer's standards.

PMCPs Business are subject to compliance reviews, the FHWA's safety rating process, and the provisions of the Motor Carrier Safety Act of 1990 regarding the consequences of receiving an unsatisfactory safety rating.

PMCPs Business are subject to most record keeping requirements.

SCHOOL BUS OPERATIONS

A school bus operation that transports only school children and /or school personnel from home to school and from school to home is exempted from Parts 387, 390, 391, 392, 393, 395, and 396. The school bus operation is not exempt from Part 382 and 383. When the school bus operation is not engaged in transportation to or from school and the transportation is not organized, sponsored, and paid for by the school district the above exemptions do not apply.

CHAPTER 3

REGISTRATION REQUIREMENTS

Registration Requirements (49 U.S.C. § 13901)

All for-hire motor carriers unless performing transportation services subject to an exemption, must obtain appropriate operating authority from FHWA. Applications for authority must be filed on the following form:

Form

OP-1(P) Application for Motor Passenger Carrier Authority

The mailing address for applications is Federal Highway Administration, P. O. Box 100147, Atlanta, GA 30384-0147.

Each type of authority applied for is subject to a \$300 filing fee.

Process Agent Filing (49 U.S.C 13304)

In addition to filing the application form, all applicants for motor carrier authorities must have legal process agent documents (see 49 CFR 366 [formerly 1044]) on file before the FHWA will issue the authorities.

A process agent is a representative upon whom court papers may be served in any proceeding brought against a carrier or broker. Every motor carrier authorized to operate nationwide must list the name and address of an agent for each state. Many commercial firms will arrange process agents for a fee in any state. A list of some of the companies providing this service is included with the various applications for authority. Also, many insurance companies will furnish this service for their policy holders. Process Agent filings must be made on form BOC-3, *Legal Process Agents*.

Insurance Filing (49 U.S.C. 13906)

In addition to filing the application form, all applicants for motor carrier authority must have specific insurance documents (see 49 CFR 387, Subpart C and D [formerly 1043 and 1084]) on file before the FHWA will issue the authorities. The required filings vary, based on the kinds of authorities sought.

Form	Description	Authorities Subject to Filing
BMC-91 or 91X	Public liability insurance	Motor Common Carrier
	Bodily injury/property damage	
Passengers -	\$5 million for vehicles with a seating capacity of 16 passengers or more;	
	\$1.5 million for vehicles with a seating capacity of 15 passengers or less.	

Applicants must contact their agents to request filing of the required forms immediately after obtaining their designated docket number (MC). These filings must be received within **20 days** after the FHWA has published public notice of intention to grant the authorities. Applicants will be notified by letter of their docket number and date of publication in the *FHWA Register*. Applicants should be cautioned to ensure that the name and address of the business as set out in all preclicensing filings matches exactly the information provided in their OP-1 filings. **Any deviation will result in rejection of the preclicensing filings.**

All insurance and process agent filings should be mailed directly to Federal Highway Administration, Section of Insurance, 400 Virginia Avenue, S.W., Suite 600, Washington, DC 20024.

Office of Information Analysis

The Office of Information Analysis' Licensing and Insurance Division has the responsibility for licensing for-hire motor carriers of passengers that operate in interstate and foreign transportation.

FHWA'S Licensing and Insurance Division is located at 400 Virginia Avenue, S.W., Suite 600, Washington, DC 20024. Public inquiries regarding the status of application and insurance filings should be directed to the following telephone numbers at the Licensing and Insurance Division:

X	Automated Response System	(202) 358- 7000
X	Application Status	(202) 358- 7106/7108
X	(FAX - License)	(202) 358 - 7118
X	Insurance Filing	(202) 358 - 7028/7029
X	(FAX - Insurance)	(202) 358- 7100

CHAPTER 4

NOTICE OF UNSATISFACTORY SAFETY RATING

Passenger carriers, who have been the subject of a compliance review will receive a safety fitness rating of Satisfactory , Conditional , or Unsatisfactory . A motor carrier of passengers that receives an Unsatisfactory safety rating shall have 45 calendar days, from the date of official notification, to improve such safety rating to Conditional or Satisfactory . After the last day of the 45 day period, and until notification is issued of either a Conditional or Satisfactory safety rating, the carrier shall be prohibited from transporting passengers (more than 15 passengers, including the driver) in interstate commerce, by the issuance of an Out-of-Service Order (OOS).

If the carrier requests a change in their safety rating under Section 385.17 within 45 days after receipt of the unsatisfactory rating, efforts should be made by the OMC to conduct the compliance review as soon as practical, but no later than the expiration of the 45 day period. The rating and the OOS Order can be suspended at the end of the 45 day period for up to 10 days.

At the completion of the compliance review, the carrier shall be provided with the Notice of Consequences of Unsatisfactory Safety Rating and a written Compliance Plan . This written Compliance Plan must include a detailed listing of recommendations. The Compliance Plan is to be included in Part B of the CR (Field 47-Recommendations).

CHAPTER 5

COMPLIANCE REVIEW PROCEDURES

For-hire, Private and School Bus carriers are subject to specific regulations depending on their operations. This chapter will identify the applicability of the FMCSRs to each type of passenger operation. It will also identify the distinctive carrier documents and operating characteristics, utilized by the passenger carrier industry, which will assist the investigator in conducting a thorough Compliance Review.

PART 382- DRUG and ALCOHOL TESTING

All drivers subject to Part 383, Commercial Driver's Licence Standards, are subject to Controlled Substance and Alcohol testing. Private Motor Carriers of Passengers, both Business and Nonbusiness are not excluded from testing or record keeping requirements of this Part.

Due to the nature of their business, passenger carriers, tend to utilize part-time and intermittent/casual drivers on a more frequent basis than other types of motor carrier operations.

The investigator should pay particular attention to ensure that all drivers are participating in a drug and alcohol testing program.

Ensure that all of the requirements under section 382.301 pre-employment testing, including exceptions, have been met.

PART 383- COMMERCIAL DRIVERS LICENSE STANDARD

Investigator's should ensure that all drivers have the proper class of CDL and required Passenger endorsements, and note any restrictions displayed on the CDL.

PART 387 FINANCIAL RESPONSIBILITY

Applicability To Motor Carriers Of Passengers

The Minimum Levels of Financial Responsibility (insurance) regulations are found in 49 CFR part 387, Subpart B. These regulations are only applicable to "for-hire" carriers transporting passengers in interstate commerce.

For-hire carriers of passengers shall have proof of financial responsibility in the form of a properly endorsed MCS-90B or MCS-82B.

The chart below summarizes the applicability of the Minimum Levels of Financial Responsibility regulations to passenger carriers.

	"FOR-HIRE" PASSENGER CARRIERS	BUSINESS PMCPs	NONBUSINESS PMCPs
VEHICLE WITH A SEATING CAPACITY OF 16 OR MORE	\$5,000,000 INSURANCE REQUIRED	NOT SUBJECT	NOT SUBJECT
VEHICLE WITH A SEATING CAPACITY OF 15 OR LESS	\$1,500,000 INSURANCE REQUIRED	NOT SUBJECT	NOT SUBJECT

In addition, these regulations do not apply to:

1. A motor vehicle transporting only school children and teachers to or from school.
2. A motor vehicle providing taxicab service and having a seating capacity of less than 7 passengers and not operated on a regular route or between specified points.
3. A motor vehicle carrying less than 16 individuals in a single daily round trip to commute to and from work.

* Luxury limousines, operating as For-hire passenger carriers, with a seating capacity of less than seven (7) passengers are not taxicabs and are therefore not exempted from the financial responsibility requirements. (Regulatory Guidance 387.27 #3 FR 040497)

Applicability To School Bus Transportation

The applicability of the Minimum Financial Responsibility Regulations (49 CFR part 387) is somewhat different when the motor carrier is providing school bus transportation.

The chart below summarizes the applicability of the Minimum Financial Responsibility Regulations to motor carriers providing school bus transportation:

	HOME TO SCHOOL OR SCHOOL TO HOME	EXTRACURRICULAR TRIPS ORGANIZED, SPONSORED, AND PAID FOR BY THE SCHOOL	EXTRACURRICULAR TRIPS ORGANIZED AND PAID BY AN INDEPENDENT GROUP SUCH AS AN ATHLETIC BOOSTER CLUB
"For-Hire" Contractors Providing Transportation of Preprimary, Primary and Secondary Students	Not Subject	Not Subject	Bus Seating Capacity 16 or more: \$5,000,000 Bus Seating Capacity 15 or less: \$1,500,000
"For-Hire" Contractors Providing Transportation of Post-Secondary (College) Students	Bus Seating Capacity 16 or more: \$5,000,000 Bus Seating Capacity 15 or less: \$1,500,000	Bus Seating Capacity 16 or more: \$5,000,000 Bus Seating Capacity 15 or less: \$1,500,000	Bus Seating Capacity 16 or more: \$5,000,000 Bus Seating Capacity 15 or less: \$1,500,000

PART 390- GENERAL APPLICABILITY AND REGULATIONS

Under 390.15, accidents that occur during school bus operations (home to school, school to home) are not required to be entered on the accident register.

Also, private carriers of passengers (business and nonbusiness) must obtain and display a USDOT number in accordance with 390.21.

PART 391- QUALIFICATIONS OF DRIVERS

Private Carriers of Passengers -

As per 391.68, Private Motor Carriers of Passengers, Nonbusiness, are not subject to Subpart C (Background and Character), the road test requirement, Subpart F (Files and Records). Private Motor Carriers of Passengers Business are not subject to road and written tests, but are subject to all other requirements under part 391 as noted in 391.73.

Intermittent/Casual, and Part-Time Drivers -

A part-time driver who does not work for another motor carrier entity is considered a regularly employed driver and therefore does not meet the limited exemptions under this part as noted in 391.63. Only intermittent/casual drivers as defined in 390.5 meet the requirements for this exemption.

Subpart E, Physical Qualifications and Examinations-

PMCP Nonbusiness drivers are subject to the minimum physical qualification standards found in Section 391.41. However, Section 391.68 specifically exempts them from having to be medically examined as required by Section 391.45.

PART 395-HOURS OF SERVICE OF DRIVERS

On duty time- 395.2

As mentioned in the industry overview section, passenger carriers make frequent use of part -time and intermittent/casual drivers. When conducting a compliance review, the investigator should ensure that these drivers submit either the prior 7 days record of duty status, or a prior seven-day duty statement prior to dispatch.. In each instance all compensated time working for a motor carrier or non-motor carrier entity must be reflected in the driver's duty status.

Extra Board Drivers -

An extra board or shape driver is a driver who does not have assigned work, but remains at the terminal in case another driver does not show up, or there is a breakdown, etc. They could also be called spare drivers, but usually are called extra board or shape drivers.

In almost all cases, they should record their hours as on duty, not driving until they are dispatched on the road.

Relief Drivers -

On long distance trips requiring straight through driving, motorcoach operators may send a relief driver ahead to take-over driving responsibilities for the next leg of the trip. The means by which this driver gets to the layover location can vary. Below are two scenarios and the correct recording of hours of service for each:

1. Driver is **driven**, or uses public transportation (i.e. commercial aircraft or train) to get to the layover location or returning from the layover location. In this instance, if the driver has at least 8 consecutive hours off-duty after reaching the layover destination or terminal before assuming any on-duty status, the time spent traveling at the direction of the motor carrier may be logged as off-duty. If there is less than 8 consecutive hours off-duty, then the time traveling at the direction of the motor carrier must be recorded as on-duty, not driving. (Ref.395.1(k), Travel time)
2. Driver drives him/herself in an automobile (non-commercial motor vehicle) to the layover location or back to the terminal. Time spent driving a non-commercial motor vehicle at the direction of the motor carrier must be logged as on-duty, not driving. (Ref. Regulatory Guide, 395 hours of service, question #14). FR 04/04/97.

Team Drivers

In order to log sleeper berth status, the motorcoach must first be equipped with a sleeper berth meeting the criteria as set forth in Section 393.76. There are no exceptions for motorcoach sleeper berths. Investigators should be aware that there are in-fact motorcoaches in operation meeting the sleeper berth requirements! If the motorcoach is not properly equipped with a sleeper berth meeting the above requirements and there is a team assigned to it, all time spent riding in the motorcoach, regardless if in the reclining position or not, must be recorded by the driver as on-duty, not driving and may not be recorded as sleeper berth duty status. The only exception to this would be as described above if the driver is riding on the motorcoach to the destination and is afforded 8 consecutive hours off-duty after reaching the destination and in that case, the time spent riding on the motorcoach may be recorded as off-duty. That condition aside, all hours of service limitations would apply as specified in Section 395.3.

Off-duty time

Four conditions must be met for a driver to be considered off-duty :

1. The driver must be relieved of all duty and all responsibility for the care and custody of the vehicle, its accessories, and any cargo or passengers it may be carrying; and
2. The duration of the driver's relief from duty must be a finite period of time which is of sufficient duration to ensure that the accumulated fatigue resulting from operating a commercial motor vehicle will be significantly reduced (it is presumed that a rest period of less than 10 minutes is insufficient to achieve a substantial reduction in the drivers fatigue); and

3. During the stop, and for the duration of the stop, the driver must be at liberty to leave the premises on which the vehicle is situated and to pursue activities of his or her own choosing; and
4. The duration of his/her relief must have been made known to him in written instructions from his employer and given to him/her prior to departure.

Section 395.2

On duty time means all time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibilities for performing work.

On-duty time shall include:

1. All time at a carrier or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, **unless** the driver has been relieved of duty by the motor carrier;
2. Performing any other work in the capacity of, or in the employ or service of, a common, contract or private motor carrier;

Supporting Documents

Charter orders and itineraries are the passenger carrier's shipping papers. Although many are different in appearance, they usually contain the same information such as the carrier's name, driver's name, date, vehicle number, group being transported, origin and destination points, routes taken and cost.

Itineraries are similar to charter orders, but they list a detailed time report of the passenger carrier's trip. Itineraries will show arrival and destination time and dates. They are usually used during an extended charter trip.

Most passenger carriers maintain charter orders and itineraries as a normal part of their business. Both of these documents should be compared against the driver's records of duty status to determine accuracy as well as other supporting documentation.

In many instances drivers will enter start and finish time on their trip envelopes, which can be used to verify their records of duty status. Major destination locations may maintain information regarding arrival and departure times for group tours. In depth investigations may involve contacting the group that booked the charter for further verification.

Examples of Charter Orders and Itineraries are in Appendix B.

PART 396- INSPECTION, REPAIR, AND MAINTENANCE

Push Out Window Tests

When reviewing maintenance files, investigators should ensure that the motor carrier is conducting tests on the push out windows, emergency door, and emergency door marking light. These tests should be conducted at least every 90 days and a record of the tests should be retained for each vehicle as required by Section 396.3(b)(4). State mandated inspections that include these tests satisfy this requirement.

Periodic inspection

State mandated inspection programs that have been approved by FHWA meet the requirements of Section 396.17.

PART 177- HAZARDOUS MATERIALS

Part 177.870 of the Hazardous Material Regulations describes the conditions under which specific hazardous materials may be transported on a for hire passenger carrying vehicle. The types of hazardous materials and the conditions under which they may be transported on a bus are listed in Part 2 of this manual.

PART TWO

CHAPTER 6

NORTH AMERICAN STANDARD BUS INSPECTION PROCEDURE

Motor Carrier Training Manual: Volume 2, Chapter 8

SAFETY CONSIDERATIONS - BUS INSPECTIONS:

1. If conducting en route inspections the safety of passengers, driver, inspectors, and the motoring public must be given primary consideration.
2. Most commercial buses use air suspension systems. Unless ramps, pits, or special jacks are available, **no** under-vehicle inspection of these buses should be conducted.
3. School buses used in charter operations may be safely inspected underneath if they are equipped with leaf springs. Use chock blocks to prevent the vehicle from moving.
4. Always inform the driver before going under the vehicle, and always enter and exit the undercarriage in view of the driver.

SUGGESTED EQUIPMENT:

Calipers	Goggles
Chalk	Hard Hat
Coveralls	Scraper
Creeper	6' - 12' ruler
Flashlight	Thread depth gauge
Wheel chock blocks	

STEP 1 - SELECT THE INSPECTION SITE:

Arrange Safe Conditions

Consider the safety and convenience of the passengers, driver, bus, and you.

Do not crawl under the bus unless a ramp, pit, or special jacks are available, or the bus is equipped with leaf springs. Use chock blocks if going beneath a school bus.

If possible, find a paved, level surface away from traffic.

STEP 2 - CHECK DRIVER'S DOCUMENTS

Driver's License

Check the expiration date, birth date, status of the license, CDL if applicable.

Medical Examiner's Certificate

Check the expiration date and signature. Check waiver if applicable.

Verify if corrective lenses or hearing aids are required.

Check to see if Canadian drivers have a valid license which indicates they have passed an annual physical inspection.

Record Of Duty Status

Must be updated to last change of duty status. Must include: today's date, records of past 7 days (if required), mileage, driving time, on duty time, vehicle numbers and remarks.

If a driver claims sleeper berth time, make sure the sleeper berth meets the standards in Section 393.76.

Driver Vehicle Inspection Report

Check for vehicle I.D., defects, and signatures.

Alcohol/drug Violations

Check for illegal possession of alcohol or drugs by the driver. Alcoholic beverages in the passenger area of the motorcoach does not constitute possession.

STEP 3 - CHECK FOR PERIODIC INSPECTION

Some examples of items that can be accepted as evidence that the periodic inspection has been performed include the following: decal state issued, CVSA sticker, MCSAP inspection report (clean), carrier/vendor inspection report, decal carrier/vendor issued.

STEP 4 - INTERIOR OF BUS

Standee Line (Section 393.90)

Must be in contrasting color and perpendicular to the rear of the drivers seat.

Sign must be near the front of the bus, requiring passengers to remain behind the standee line when the bus is in operation.

Floor (Section 393.84)

Must be free of holes or openings.

Seats (Section 393.91)

Must be securely fastened to the vehicle. There must be no aisle seats unless they fold and leave a clear aisle when unoccupied.

Windows (Sections 393.61 and 393.63)

Must have laminated safety glass and each push out window must be marked as a emergency exit.

Emergency Doors (Section 393.92)

If equipped with emergency doors, must have decal or lettering indicating that it is an emergency exit. It must also be identified by an operating red lamp.

Driver's Seat Belt (Section 392.16)

Driver's seat must be equipped with a seat belt, to be used during vehicle operation.

Windshield Wipers (Section 393.78)

Check for adequate number and operation.

Low Air Pressure Warning Device (Section 393.51)

The ignition must be in the "on" position for this test.

Deplete the air supply by pumping the foot valve until the low air pressure warning device activates.

Observe the gauges on the dash. The low air pressure warning device must activate at a minimum of $\frac{1}{2}$ the compressor governor cut out pressure, normally 55 psi or above..

Steering Lash (Section 393.209)

Turn the steering wheel in one direction until the tires just begin to pivot.

Vehicles with power steering may require the engine running to turn the wheel.

Place a mark on the steering wheel, then hold the marker at that point.

Turn the wheel in the other direction until the tires start to move.

Measure the distance between the two points. The amount of allowable lash varies with the diameter of the steering wheel.

Compare that measurement with the Out-of-Service Criteria.

Check steering column for unsecured attachment.

STEP 5 - HAZARDOUS MATERIALS

Buses transporting hazardous materials are subject to the same regulations as a truck, plus additional restrictions listed below.

No Other Means Available (177.870(b))

Except for small arms ammunition, (emergency shipments of drugs, chemicals hospital supplies), and the accompanying munitions of the Defense Department, no hazardous materials are authorized to be transported on buses where other practical means of transport are available.

Small Ammunition (177.870(c))

Only small arms ammunition may be carried in the passenger compartment.

Poisons (177.870(f))

No Division 6.1 or Division 2.3 materials may be transported on buses.

Explosives (177.870(d))

If no other means of transportation is available, up to 99 pounds of class 1 Explosives may be carried. Up to two samples or a total of no more than 100 detonators, Division 1.4, may be transported.

Limited Quantities

No more than 99 pounds of one class or 496 pounds of all classes of other hazardous material may be carried on buses. If different classes are transported together, be aware of the restrictions on loading and storage in Section 177.848.

STEP 6 - FRONT OF BUS

Head Lamps, Turn Signals, Emergency Flashers (Section 393.11)

Check for improper color and operation

Windshield Wipers (Section 393.78)

Check for improper operation.

Windshield (Section 393.60)

Check for cracks or other damage. Read Section 393.60 to become familiar with the specific requirements.

Check to ensure that authorized decals or stickers are located within 4 ½ inches of the bottom of the windshield.

STEP 7 - LEFT SIDE OF BUS

Lighting Devices And Reflectors. (Section 393.11)

Check for side reflectors and marker lamps

Wheels And Rims (Section 393.205) (See Appendix A)

Check for cracks, unseated locking rings, broken or missing lugs, studs or clamps.

Check for bent or cracked rims.

Check for "bleeding" rust stains.

Check for loose or damaged lug nuts and elongated stud holes.

Tires (Section 393.75) (See Appendix A)

Buses cannot be operated with regrooved, recapped or retreaded tires on the steering axle.

Check for improper inflation, serious cuts, and bulges.

Check tread wear and measure major tread groove depth.

Inspect sidewall for defects.

Check for exposed fabric or cord.

Fuel Cap (Section 393.65)

Check for presence and tightness.

STEP 8 - REAR OF BUS

Exhaust System (Section 393.83(b))

Gas powered buses must discharge at or within 6 inches of the rear of the bus.

Diesel powered buses must discharge either at or within 15 inches of the rear of the bus or to the rear of all doors and windows designed to be opened except emergency window exits.

Tail, Stop, Turn Lamps & Emergency Flashers (Section 393.11)

Check for improper color and operation. This will require the use of hand signals.

STEP 9 - RIGHT SIDE OF BUS

REPEAT STEP 7

STEP 10 - UNDERNEATH THE BUS

If the undercarriage of the vehicle can be safely inspected, this portion of the procedure should be conducted either in conjunction with or after the above items.

Steering System (Section 393.209) (See Appendix B)

Check for loose, worn, bent, damaged or missing parts.

Instruct driver (or another inspector) to rock the steering wheel and check key components, front axle beam, gear box, pitman arm, drag link, tie rod ends.

Suspension System (Section 393.207) (See Appendix C)

Check for misaligned, shifted, or cracked springs or shackles, missing bolts, spring hangers at frame and cracked U-bolts.

Any unsecured axle positioning parts, (radius, torque rods, bars, etc.) or signs of axle misalignment.

Check for deflated or damaged air bags.

Brakes (Sections 393.40 - 52) (See Appendix D)

Check for missing, non-functioning, loose, contaminated, or cracked parts on the brake drum system, shoes, rotors, pads, linings, brake chamber, chamber mounting, push rods and slack adjusters.

Check for "S" cam flip-over.

Be alert for audible air leaks around brake components and lines.

With the brakes released, mark the brake chamber push rod at a point where the pushrod exits the brake chamber.

While the brakes are applied, measure the distance of push rod travel at each chamber.

Write down each push rod measurement and compare them to the Out-of-Service Criteria for the appropriate size and type of brake chamber.

Be aware of the DD3 type brake allowed adjustments.

DD-3 Brake Chambers.

The DD-3 brake chamber is presently being used on motorcoaches throughout the country. This brake chamber is a double diaphragm device which provides braking for service, emergency, and parking. The DD-3 brake chamber is capable of a total push rod stroke length of 2-7/8". However, for safety reasons, a maximum stroke of 2-1/4" will be used in determining correct brake adjustment for drive axles equipped with DD-3 brake chambers. The DD-3 brake chamber can be easily distinguished from spring brake chambers by identifying the number of air lines attached to the chamber. The DD-3 brake chamber will have three (3) air lines attached, while the spring brake chamber will only have two (2) air lines.

Buses require front air brakes to be protected so that a failure in the connection system or lines to the front brakes will not prevent application of the rear brakes.

Frame (Section 393.201)

Check for cracks or fatigue..

Fuels Tanks(s) (Section 393.65)

Check for unsecured mounting, leaks or other damage. Make sure the fuel lines and the tank cap are secure and not leaking.

Check the ground below tank for signs of leaking.

Drive Shaft (Section 393.89)

Bus drive shafts must be protected by at least one guard or bracket to prevent the whipping of the shaft in the event of a failure of the shaft or its components.

STEP 11 - AIR LOSS RATE

Check the vehicle's air loss rate.

Run the engine at idle, then apply and hold the service brake.

Observe the air reservoir pressure gauge on the dash, and pump the pressure down to 80 psi. Compressors do not activate until system pressure drops below a certain level. At about 80 lbs. most compressors should be operating.

Air pressure should be maintained or increased. A drop in pressure indicates a serious air leak in the brake system, and the vehicle should be placed out of service.

STEP 12 - COMPLETE THE INSPECTION

Complete Paperwork

Complete inspection forms and other paperwork as required.

Conclude With The Driver

Explain any violations to the driver, have driver sign the original, and give the original to the driver.

Out-of-service Procedures

Notify the carrier when placing a vehicle and/or driver out of service.

QUALIFYING AND PLACEMENT OF A CVSA DECAL

If the inspection is being performed by a **certified** CVSA inspector and the vehicle has passed the inspection, the CVSA decal may be applied to the right front cornerpost of the bus body directly below the right rear view mirror. No other CVSA decal shall be visible.

The North American Standard Level #1 inspection is the **only** inspection that may result in the issuance of a CVSA decal. To qualify for the decal, a vehicle must not have any violations of the items contained in the Appendices A, Part 2, (Out-of-Service Criteria), and of the North American Commercial Vehicle Criteria Safety Inspection Items.

The decal criteria apply only to the condition of the vehicle, not the driver. It is possible for a driver to be placed out-of-service and still have the vehicle qualify for a decal.

The calendar quarter in which an inspection is performed is indicated by the color of the decal issued.

Inspection Period	Color of Decal
January, February, March	Green
April, May, June	Yellow
July, August, September	Orange
October, November, December	White

Decals affixed on the first month of a new calendar quarter must have both upper corners removed; for the second month its upper right corner removed; and the last calendar month, no corners are removed.

Decals, affixed, will remain valid for the month of issuance plus two months. For example, a decal issued on July 28 will expire on September 30.

In general, vehicles displaying a valid decal are not subject to a Level #1 reinspection. However, if an obvious defect is noted on a vehicle with a current CVSA decal, nothing prevents you from reinspecting that vehicle.

Should reinspection of a vehicle displaying a valid CVSA decal disclose maintenance inconsistent with the minimum inspection criteria, the decal must be removed by a qualified CVSA inspector. However, if defects found are repaired at the scene, the decal does not have to be removed. In those instances where a **COMPLETE** reinspection is performed and defects were absent or corrected at the scene, a new decal should be applied.

CHAPTER 7

LEVEL I MOTORCOACH INSPECTION GUIDE

Recommended procedure for conducting a 3 person Level I inspection using ramps.

TL-Team Leader FI-Front Inspector RI-Rear Inspector

STEP 1 INSPECTION PREPARATION - TL

Use Pre-inspection checklist. Ensure safety considerations.

STEP 2 GREET AND PREPARE DRIVER AND PASSENGERS - TL

Observe drivers condition (Sections 392.3, 392.4, and 392.5). If passengers are present, explain purpose and how the inspection will be conducted.

STEP 3 COLLECT DRIVER'S DOCUMENTS - TL

Collect driver's license (Section 391.11b7), medical examiner's certificate (Section 391.41) and waiver (Section 391.49), records of duty status (Section 395.8), vehicle inspection report (Section 396.11), periodic inspection (Section 396.17), and trip information.

STEP 4 INTERVIEW THE DRIVER - TL

Talk to the driver about the trip.

STEP 5 IDENTIFY THE CARRIER - TL

STEP 6 EXAMINE CDL - TL

Check expiration date, birth date, proper class and/or endorsements, and status (Section 383.153).

STEP 7 CHECK MEDICAL EXAMINER'S CERTIFICATE AND WAIVER - TL

Ensure documents are current and signed. Usually valid for 24 months unless otherwise noted. Check for corrective lenses if warranted (Section 391.43).

STEP 8 CHECK RODS - TL

Check for violations of the 10,15, and 60/70 rules. Check for falsification, currency, and last 7 days.

STEP 9 REVIEW VIR'S - TL

Check last VIR (Section 396.11) and periodic inspection (Section 396.17).

STEP 10 CHECK PASSENGER AREA - TL

Check standee line (Section 393.90), standee line sign (Section 393.90), floor (Section 393.84), seats ((Section 393.91), windows ((Section 393.62 and 393.63), emergency doors ((Section 393.92), emergency exit access ((Section 392.9).

STEP 11 CHECK DRIVER'S COMPARTMENT - TL

Check driver's seat belt (Section 392.16), emergency equipment (Section 393.95), low air pressure warning device (Section 393.51), steering wheel lash and column (Section 393.209).

STEP 12 INSPECT FRONT OF MOTORCOACH - FI

Check headlamps, turn signals, emergency flashers (all lamps, Sections 393.9 and 393.11), windshield wiper ((Section 393.78), and windshield (Section 393.60).

STEP 13 INSPECT REAR OF MOTORCOACH - RI

Check exhaust system (Section 393.83), tail, stop, and turn lamps, and emergency flashers (Sections 393.9 and 393.11).

STEP 14 INSPECT LEFT SIDE OF MOTORCOACH - FI

Check wheels and rims (Section 393.205), tires (Section 393.75), and fuel caps (Section 393.65).

STEP 15 INSPECT RIGHT SIDE OF MOTORCOACH - RI

Check wheels and rims (Section 393.205), and tires (Section 393.75).

STEP 16 PLACE INSPECTION RAMPS - TL, FI, AND RI

Place ramps as appropriate. Direct driver to drive up the ramps under the instruction of the TL, place chock blocks in the front and rear of the right drive wheels. Instruct driver to release breaks and turn off the engine.

STEP 17 INSPECT THE UNDERCARRIAGE - FI AND RI

Check the steering system (Section 393.209), front and rear suspension (Section 393.207), front and rear brakes (Section 393.48), frame (Section 393.201), fuel tank (Section 393.67), and drive shaft (Section 393.89).

STEP 18 AIR LOSS RATE - TL

If a leak is suspected, check air loss rate with air reservoir at 80 or 90 psi full brake application. Pressure should be maintained or increased (Section 393.50).

STEP 19 CHECK FOR PRESENCE OF HAZARDOUS MATERIALS - TL

Motorcoaches transporting HM are subject to the HMR as a truck plus requirements for no other means available, small ammunition, poisons, explosives, and limited quantities.

STEP 20 COMPLETE THE INSPECTION - TL

Complete all paperwork. Return documents to the driver. Explain violations to the driver. Direct driver off the ramps.

STEP 21 TAKE APPROPRIATE ENFORCEMENT ACTION - TL

Refer to out-of-service criteria. Inform passengers of the necessary action and arrangements.

STEP 22 APPLY CVSA DECAL - TL

If vehicle passes, apply CVSA decal on right front cornerpost below mirror (Section 396.17).

CHAPTER 8

EMERGENCY EXITS ON BUSES

APPLICABILITY

These standards for emergency exits apply only to buses subject to the FMCSRs and not to buses used only to transport students to and from school (School buses are covered under different regulations). The applicability of these standards depends on the USE of the bus and not how it is designed or marked, If vehicles originally manufactured as school buses are utilized in private or for-hire interstate commerce (and thus subject to the FMCSRs), they must have the required exits, even if that requires retrofitting the vehicle. These standards are current as of November 1995 and are subject to change at a later date. Depending on state adoption of the FMCSRs, the rules may or may not apply to intrastate buses.

MARKING OF EMERGENCY EXITS:

All emergency exits **MUST** be marked with:

1. Clearly legible signs indicating exit and method to open- 49 CFR 393.63.
2. The words emergency door , and emergency exit in letters at least 1' high; and the emergency door must be identified by a readily visible red electric lamp- 49 CFR 393.92.

90 DAY INSPECTION:

Emergency exits, emergency window exits, and markings must be inspected every 90 days and records of these inspections must be kept by the motor carrier- 49 CFR 396.3(a)(2) and 396.(b)(4).

EMERGENCY WINDOW EXIT FORMULA

Title 49 CFR 393.61 establishes the emergency exit requirements for buses subject to the FMCSR.

Pre- 1973:

Buses manufactured before 09/01/73 must either comply with the post 1973 standards below **OR** have the following (49 CFR 393.61(b)(1)):

- * Unobstructed emergency openings through a window must total in square inches at least 67 times the number of designated seating positions including the driver (this total does not include any doors); **and**

- * At least 40% of these openings must be on each side of the bus; and
- * Each exit must be at least a 13" x 17 3/4" rectangle or an 18" x 13" ellipse; and
- * Glazing in each window must be laminated safety glass or in a push out window.

Post- 1973:

Buses manufactured after 09/01/73 must comply with either Method 1" or Method 2" for calculation of emergency exits.

Method 1"

NHTSA Standard No. 217 for other-than-school buses (49 CFR 393.61(b)(2)):

- * Unobstructed emergency openings must total in square inches at least 67 times the number of designated seating positions on the bus;
- * At least 40% of these openings must be on each side of the bus;
- * No one emergency exit can account for more than 536 square inches of the total exit space;
- * There must be side exits and one rear exit (door, roof, or window); and
- * Emergency windows shall have latches and be of the size as designated in Standard 217, Section 5.3-5.5.

Measuring windows on a new bus with Safety Standard Certification is not needed unless the bus has been altered.

**Method 1" Worksheet for determining compliance with the bus exit space requirements
(for buses manufactured after 09/01/73)**

I. Calculate total emergency exit space required:

- A. Number of mfg. designated seating positions, including the driver _____
- B. Multiply by 67 sq in per seat. X 67 sq in.
- C. Equals total emergency exit space required. = _____ sq in.

II. Calculate minimum 40% required for each side:

- A. Total exit space required (from line IC) _____
- B. Multiply by 40% X 4
- C. Equals exit space required on EACH SIDE of bus = _____ sq in.

III. Calculate existing exit space on bus:

- A. Left Side
_____ Doors x 536 sq in for each side. _____ sq in.
+ _____ exit windows x * (Max 536) for each + _____ sq in.
**left subtotal = _____ sq in.

B. Right Side:

- One front entry door 536 sq in.
+ _____ exit windows x * _____ (Max 536) for each + _____ sq in.
**right subtotal = _____ sq in.

C. Rear/Roof exits:

- Rear exit door/window (if any, enter 536) _____ sq in.
_____ roof hatches x * _____ (Max 536) for each _____ sq in.
Rear/roof total subtotal = _____ sq in.

- D. TOTAL EXIT SPACE PROVIDED (Add three subtotals) = _____ sq in.

III D must be equal to or greater than IC

*Enter actual size of unobstructed exit when fully opened, maximum 536.

**Must be greater or equal to line IIC

EXAMPLE:

Method 1" Worksheet for determining compliance with the bus exit space requirements (for buses manufactured after 09/01/73)

I. Calculate total emergency exit space required:

- A. Number of mfg. designated seating positions, including the driver 66
- B. Multiply by 67 sq in per seat \times 67 sq in.
- C. Equals total emergency exit space required = 4422 sq in.

II. Calculate minimum 40% required for each side:

- A. Total exit space required (from line IC) 4422 sq in.
- B. Multiply by 40% \times 4
- C. Equals exit space required on EACH SIDE of bus = 1769 sq in.

III. Calculate existing exit space on bus:

- A. Left Side:
0 Doors \times 536 sq in for each 0 sq in.
+ 4 exit windows \times 463 (Max 536) for each + 1852 sq in.
**left subtotal = 1852 sq in.
- B. Right Side:
One front entry door 536 sq in.
+ 4 exit windows \times 463 (Max 536) for each + 1852 sq in.
**right total = 2388 sq in.
- C. Rear/Roof exits:
Rear exit door/window (if any, enter 536) 536 sq in.
+ 0 roof hatches \times 536 (Max 536) for each + 0 sq in.
Rear/roof total subtotal = 536 sq in.
- D. TOTAL EXIT SPACE PROVIDED (Add three subtotals) = 4776 sq in.
This bus is in compliance

III D must be equal to or greater than IC

*Enter actual size of unobstructed exit when fully opened, maximum 536.

**Must be greater or equal to line IIC

Method 2" Method 2 uses NHTSA Standard 217 for school buses (49 CFR .61(b)(2)).
These sections require utilization of either of the following options:

OPTION A- Vehicle manufactured as a school bus with a rear emergency door: One rear emergency door, opening outward and hinged on the right side, plus any additional exits required by Table 1 below.

TABLE 1

Seating capacity	Additional exits required
1-45	None
46-62	1 left exit door or 2 exit windows**
63-70	1 left exit door pr 2 exit windows** and 1 roof exit
71 and above	1 left exit door or 2 exit windows** and 1 roof exit and any combination of door***,roof, or windows such that the total capacity credit****plus 70 is greater than the seating capacity of the bus.

* Per FHWA interpretation of 09/22/95, the manufacturer's seating capacity for a vehicle originally built as a school bus may be reduced by 1/3 when used in transportation covered by part 393. The rationale for this interpretation is that bench seats are usually rated for three children, while they only hold two adults.

** When emergency windows are used, there must be an **even number** of them, not counting the rear window, and they must be **evenly distributed on both sides**, They must have **proper releases and dimensions**, and must be **push out or vertical sliding**.

*** The first side emergency door per Table 1 shall be located near the **left-middle** of the bus. A second emergency exit door per Table 1 shall be located on the right side. If three exit doors are installed per Table 1, the third shall be on the left side.

**** **Capacity Credits:** Side door 16; Window 8; roof exit 8.

OPTION B- Vehicle manufactured as a school bus with left side emergency door and rear push-out window: One emergency door on left side, opening out and hinged on forward side, plus a push-out rear window, plus any additional exits required by Table 2 below.

TABLE 2

Seating Capacity	Additional Exits Required
1-57	None
58-74	1 right exit door or 2 exit windows**
75-82	1 right exit door or 2 exit windows** and 1 roof exit
83 and above	1 right exit door or 2 exit windows** and 1 roof exit, and any combination of door***, roof, or windows such that the total capacity credit**** plus 82 is greater than the seating capacity of the bus.

* Per FHWA interpretation of 09/22/95, the manufacturer's seating capacity for a vehicle originally built as a school bus may be reduced by 1/3 when used in transportation covered by part 393. The rationale for this interpretation is that bench seats are usually rated for three children, while they only hold two adults.

** When emergency windows are used, there must be an even number of them, not counting the rear window, and they must be evenly distributed on both sides, They must have proper releases and dimensions, and must be push out or vertical sliding.

*** The first side emergency door per Table 1 shall be located near the left-middle of the bus. A second emergency exit door per Table 1 shall be located on the right side. If three exit doors are installed per Table 1, the third shall be on the left side.

**** Capacity Credits: Side door 16; Window 8; roof exit 8.

CHAPTER 9

PORTABLE BUS RAMPS

The Guidelines for Planning FY-95 State Enforcement Plans (SEPs), the OMC Strategic Plan, and the Associate Administrator's June 20, 1994, memo entitled "Motorcoach Program" encourage the States to increase the number of Level 1 motorcoach inspections. The following information is to assist you in acquiring portable ramps to conduct these inspections.

TYPES OF RAMPS

Currently there are two types of portable ramps available to conduct Level 1 inspections on motorcoaches - Aluminum and Wooden. The ramps may either be custom built or acquired ready made through a manufacturer. Currently, only one open market manufacturer has been identified, The Superior Equipment Company of Anaheim, California.

Aluminum

Attachment 1 contains specifications for the construction of portable aluminum ramps. These specifications were previously issued under SP-90-007-CE Directive dated 1/11/90 (See Attachment 1). The plans were developed by Greyhound Lines, Inc. of Dallas, Texas and are specifically designed for nongarage points throughout their system.

In addition, the ramps have a load capacity of 26,520 pounds per axle. They have been load tested at 50,000 pounds per unit by an independent testing lab. A complete set consists of 8 pieces weighing approximately 58 pounds each (two interlocking pieces per axle), making a total weight of 464 pounds. They come equipped with a cart designed to hold and transport the ramps for easier handling and storage.

The Idaho Highway Patrol has produced and released a video on motorcoach inspections using the aluminum ramps manufactured by Superior Equipment Company. A copy of the video can be made available for review and use.

Wooden

They allow a 6" clearance from the ground for the front axle, and a 5½" clearance on the rear axle. The ramps have a total of 3 separate components, with the rear axle portion using two of the components. The overall weight of the system is approximately 300 pounds and requires a two-person team for set-up.

As of this date there is no testing or certification of the specifications being made available, but certification of any of the aluminum/wooden type assemblies can be obtained from a licensed mechanical engineer or independent testing firm.

APPENDIX A

GLOSSARY OF MOTORCOACH INDUSTRY TERMS

Bus: Any motor vehicle designed, constructed, and or used for the transportation of passengers, including taxicabs.

Intercity Motorcoach: A motor vehicle designed for long distance transportation of passengers, usually equipped with storage racks above the seats and a baggage compartment beneath the cabin.

School Bus: A motor vehicle which is designed or used to carry more than 10 passengers in addition to the driver, and which the Secretary determines is likely to be significantly used for the purpose of transporting preprimary, primary, or secondary school students and/or school personnel from home to school and from such schools to home.

Mini-bus/Van: A multi-passenger vehicle with a capacity of 10-20 passengers, typically built on a small truck chassis.

Limousine: A passenger vehicle usually built on a lengthened automobile chassis.

Car or Coach: Other names for a motorcoach used in certain geographical areas.

Charter transportation of passengers: The transportation, using a bus, of a group of single persons who pursuant to a common purpose, under a single contract, at a fixed charge for the motor vehicle, have acquired the exclusive use of the motor vehicle to travel together under an itinerary either specified in advanced or modified after having left the place of origin. An example would be a ski trip or a football game.

Commercial motor vehicle: Any self propelled or towed motor vehicle used on public highways in interstate commerce to transport passengers or property when the motor vehicle is designed to transport more than 15 passengers including the driver.

Commission agents: An independent business that provides passenger services. This can be at a bus terminal facility, or in smaller communities, a drug store, market, motel, etc. Agents make the travel arrangements for passengers for a fee. They usually have an agreement with the motorcoach carrier.

Dead Head or DH: The motorcoach is being moved from one point to another without passengers. The driver will make this remark on his record of duty status.

DHOC or DHP: "Dead Head On Cushion" or "Dead Head Passenger" -- refers to a motorcoach driver riding on the motorcoach as a passenger. The driver will make this remark on his record of duty status as on duty time not driving.

For-hire motor carrier: A carrier engaged in the transportation of goods or passengers for compensation.

Interpool/Line Agreements: Applies to regular route carriers. To provide passengers with through service without having to change motorcoaches when leaving a carrier's authority. Many carriers have entered into "interline agreements" with connecting carriers.

Pilot: A driver from one carrier rides with the driver of another carrier and their bus to assist on the run. The driver will make this remark on his record of duty status. It is also known as "Shotgun".

Private motor carrier: A carrier who provides transportation of property or passengers, by commercial motor vehicle, and is not a for-hire carrier.

Private motor carrier of passengers (business): A private motor carrier engaged in the interstate transportation of passengers which is provided in the furtherance of a commercial enterprise and is not available to the public at large.

Private motor carrier of passengers (non-business): A private motor carrier involved in the interstate transportation of passengers that does not otherwise meet the definition of a private motor carrier of passengers (business).

Regular route: Motorcoach carriers that operate on a published schedule. Also described as scheduled service.

Rental motorcoach/driver: Motorcoach companies often rent a motorcoach, with or without a driver, to another company. Therefore, an inspector needs to make certain under what carrier's authority the motorcoach is being operated. If it is a rental, the name on the motorcoach may or may not match the employer of the driver. Generally, a rental will be for a single trip or day and will occur more often in regular route than charter operations. Rentals can also be referred to as lease trips and should not be confused with leasing that the inspector may have encountered in truck operations.

School bus: See definition of a bus.

School bus operation: Means the use of a school bus to transport only school children and/or school personnel from home to school and from school to home.

Stations/Depots/Terminals: Terms that are used to identify facilities where passengers buy tickets, etc, and where passengers are picked up.

Tag Axle: Found behind the drive axle on a motorcoach, it is designed to provide additional weight support for the carriage of passengers.

Tour: A tour is a group of people with a set itinerary of places and/or events that they will attend.

APPENDIX B

INTERPRETATIONS

REGULATORY GUIDANCE

PART 382, CONTROLLED SUBSTANCES & ALCOHOL USE AND TESTING

Question 1: Must school bus drivers be pre-employment tested after they return to work after summer vacation in each year in which they do not drive for 30 consecutive days?

Interpretation: A school bus driver whom the employer expects to return to duty the next school year does not have to be pre-employment tested so long as the driver has remained in the random selection pool over the summer. There is deemed to be no break in employment if the driver is expected to return in the fall. On the other hand, if the driver is taken out of all DOT random pools for more than 30 days, the exception to preemployment drug testing in Sec. 382.301 would be unavailable and a drug test would have to be administered after the summer vacation.

382.305

Question 1: How should a random testing program be structured to account for the schedules of school bus or other drivers employed on a seasonal basis?

Interpretation: If no school bus drivers from an employer's random testing pool are used to perform safety sensitive functions during the summer, the employer could choose to make random selections only during the school year. If the employer nevertheless chooses to make selections in the summer, tests may only be administered when the drivers return to duty. If some drivers continue to perform safety sensitive functions during the summer, such as driving buses for summer school, an employer could not choose to forego all random selections each summer. Such a practice would compromise the random, unannounced nature of the random testing program. The employer would test all selected drivers actually driving in the summer. With regard to testing drivers not driving during the summer, the employer has two options. One, names of drivers selected who are on summer vacation may be returned to the pool and another selection made. Two, the selected names could be held by the employer and, if the drivers return to perform safety-sensitive functions before the next random selection, the test administered upon the drivers' return. Finally, it should be noted that reductions in the number of drivers during summer vacations reduces the average number of driving positions over the course of the year, and thus the number of tests which must be administered to meet the minimum random testing rate.

Section 382.401 RETENTION OF RECORDS

Question 1: Many small school districts are affiliated through service units which are, in essence, a coalition of individual districts. Can these school districts have one common confidant for purposes of receiving results and keeping records?

Interpretation: Yes. Employers may use agents to maintain the records, as long as they are in a secure location with controlled access. The employer must also make all records available for inspection at the employer's principal place of business within two business days after a request has been made by an FHWA representative.

PART 383 - COMMERCIAL DRIVER'S LICENSE STANDARDS;

Section 383.3 APPLICABILITY

Question 1: Are school and church bus drivers required to obtain a CDL?

Interpretation: Yes, if they drive vehicles designed to transport 16 or more people.

Question 2: Does part 383 apply to drivers of vehicles used in "van pools"?

Interpretation: Yes, if the vehicle is designed to transport 16 or more people.

Question 3: Do state motor vehicle inspectors who drive trucks and motorcoaches on an infrequent basis and for short distances as part of their job have to obtain a CDL?

Interpretation: Yes.

Question 4: Do the regulations require that a person driving an empty school bus from the manufacturer to the local distributor obtain a CDL?

Interpretation: Yes. Any driver of a bus that is designed to transport 16 or more persons, or that has a GVWR of 26,001 pounds or more, is required to obtain a CDL in the applicable class with a passenger endorsement.

Question 5: Are public transit employees known as "hostlers," who maintain and park transit buses on transit system property, subject to CDL requirements?

Interpretation: No, unless operating on public roads.

Question 6: Are non-military amphibious landing craft that are usually used in water but occasionally used on a public highway CMVs?

Interpretation: - Yes, if they are designed to transport 16 or more people.

Question 7: a. Are police officers who operate buses and vans which are designed to carry 16 or more persons and are used to transport police officers during demonstrations and other crowd control activities required to obtain a CDL?

Interpretation: a. Yes. The Act applies to anyone who operates a CMV, including employees of Federal, State and local governments. Crowd control activities do not meet the conditions for a waiver of operators of firefighting and other emergency vehicles.

b. Yes, if the vehicle is used in the execution of emergency governmental functions performed under emergency conditions.

Section 383.5 DEFINITIONS

Question 1: a. Does "designed to transport" as used in the definition of a CMV in section 383.5 mean original design or current design when a number of seats are removed?

b. If all of the seats except the driver's seat are removed from a vehicle originally designed to transport only passengers to convert it to a cargo-carrying vehicle does this vehicle meet the definition of a CMV in section 383.5?

Interpretation: a. "Designed to transport" means the original design. Removal of seats does not change the design capacity of the CMV.

b. No, unless this modified vehicle has a GVWR over 26,000 pounds or is used to transport placarded HM.

383.91

Question 1: What CMV group are drivers of articulated motorcoaches (buses) required to possess?

Interpretation: Drivers of articulated motorcoaches are required to possess a Class B CDL.

Question 1: Are drivers delivering empty buses required to have the passenger endorsement on their CDLs?

Interpretation: Yes.

SPECIAL TOPICS - Motorcoaches and CDL

Question 1: May a State develop a knowledge test exclusively for motorcoach operators which excludes cargo handling and hazardous materials?

Interpretation: Yes. A State could develop a basic knowledge test for bus drivers only, by deleting the cargo handling and HM questions from its normative basic knowledge test. In that case, the driver applicant would still need to pass the specialized knowledge and skills tests for the passenger endorsement, and the State would need to restrict the CDL to passenger operations only.

Question 2: What skills test is required for a CDL holder seeking to add a passenger endorsement?

If a person already holds a CDL without a passenger endorsement, and subsequently applies for such endorsement, three situations may arise:

a. The passenger test vehicle is in the same vehicle group as that shown on the CDL. This situation poses no problem since there is no discrepancy.

b. The passenger test vehicle is in a greater vehicle group than that shown on the preexisting CDL.

This is an upgrade situation.

c. The passenger test vehicle is in a lesser vehicle group than that shown on the preexisting CDL.

In this situation, the CDL retains the vehicle group of the preexisting CDL, but also restricts the driver, when engaged in CMV passenger operations, to vehicles in the group in which the passenger skills test was taken, or to a lesser group.

PART 387 - MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS

Section 387.27 APPLICABILITY

Question 1: Is a non-profit corporation, providing for-hire interstate transportation of passengers, subject to the minimum levels of financial responsibility for motor carriers of passengers?

Interpretation: Yes.

Question 2: What determines the level of coverage required for a passenger carrier, the number of passengers or the number of seats in the vehicle?

Interpretation: The level of financial responsibility required is predicated upon the manufacturer's designed seating capacity, not on the number of passengers riding in the vehicle at a particular time. The minimum levels of financial responsibility required for various seating capacities are found in section 387.33.

Question 3: Are luxury limousines with a seating capacity of fewer than seven passengers and not operated on a regular route or between specified points exempted under section 387.27(b)(2)?

Interpretation: No. Taxi cab service is highly regulated by local governments, usually conducted in marked vehicles, which makes them readily identifiable to enforcement officials. Limousines are not taxi cabs and are therefore not exempted from the financial responsibility requirements.

Question 4: When must a contract school bus operator comply with part 387?

Interpretation: When the contractor is not engaged in transportation to or from school and the transportation is not organized, sponsored, and paid for by the school district.

Question 5: Does the exemption for the transportation of school children end at the high school level or does it extend to educational institutions beyond high school, for example junior college or college?.

Interpretation: The exemption does not extend beyond the high school level.

PART 390 - GENERAL

390.3

Question 1: Are the operations of a church which provides bus tours to the general public for compensation subject to the FMCSRs as a for-hire motor carrier?

Interpretation: Yes, the church is a for-hire motor carrier of passengers subject to the FMCSRs (see 58 FR 27328, May 7, 1993).

Question 2: Are the FMCSRs applicable to drivers/ vehicles operated by a State or local educational institution which is a political subdivision of the State?

Interpretation: Section 390.3(f)(2) specifically exempts transportation performed by a State or a political subdivision including any agency of a State or locality from the FMCSRs. The drivers, however, may be subject to the CDL requirements and/or State laws that are similar to the FMCSRs.

Question 3: Are the FMCSRs applicable to drivers/vehicles operated by a transit authority owned and operated by a State or a political subdivision of the State?

Interpretation: Section 390.3(f)(2) specifically exempts transportation performed by the Federal Government, a State, or any political subdivision of a State from the FMCSRs. However, this exemption does not apply to the CDL requirements in part 383. Also, if governmental entities engage in interstate charter transportation of passengers, they must comply with accident report retention requirements of part 390.

Question 4: Is the interstate transportation of students, teachers and parents to school events such as athletic contests and field trips performed by municipalities subject to the FMCSRs? If a fee is charged to defer the municipality's expenses, does this affect the applicability of the regulations?

Interpretation: Section 390.3(f)(2) specifically exempts transportation performed by the Federal Government, a State, or any political subdivision of a State from the FMCSRs. Charging a fee to defer governmental costs does not affect this exemption. However, this exemption does not apply to the CDL requirements in part 383. Also, if governmental entities engage in interstate charter transportation of passengers, they must comply with accident report retention requirements of part 390.

Question 5: What is the applicability of the FMCSRs to school bus operations performed by Indian Tribal Governments?

Interpretation: Transportation performed by the Federal Government, States, or political subdivisions of a State is generally excepted from the FMCSRs. This general exception includes Indian Tribal Governments, which for purposes of section 390.3(f) are equivalent to a State governmental entity. When a driver is employed and a bus is operated by the governmental entity, the operation would not be subject to the FMCSRs, with the following exceptions: The requirements of part 383 as they pertain to commercial driver licensing standards are applicable to every driver operating a CMV and the accident report retention requirements of part 390 are applicable when the governmental entity is performing interstate charter transportation of passengers.

Question 6: A motor carrier dispatches an empty CMV from State A into adjoining State B in order to transport cargo or passengers between two points in State B, and then to return empty to State A. Does the transportation of cargo or passengers within State B constitute interstate commerce?

Interpretation: Yes. The courts and the Interstate Commerce Commission developed a test that clarifies the legal status of intrastate portions of interstate trips. The character of the intrastate leg depends on the shipper's fixed and persistent intent when the transportation began. The fixed and persistent intent in this case was to move property--the vehicle itself--across State lines and between two points in State B where it was used to haul cargo or passengers. The transportation within State B, therefore, constitutes interstate commerce. In some cases the motor carrier may be the shipper.

Question 7: What is the applicability of the FMCSRs to motor carriers owning and operating school buses that contract with a municipality to provide pupil transportation services?

Interpretation: For the purposes of the FMCSRs, Parts 390-399, "school bus operation" means the use of a school bus to transport school children and/or school personnel from home to school and from school to home. A "school bus" is a passenger motor vehicle designed to carry more than 10 passengers in addition to the driver, and used primarily for school bus operations (see section 390.5). School bus operations and transportation performed by government entities are specifically exempted from the FMCSRs under section 390.3(f).

However, anyone operating school buses under contract with a school is a for-hire motor carrier. When a non-government, for-hire motor carrier transports children to school-related functions other than "school bus operation" such as sporting events, class trips, etc., and operates across State lines, its operation must be conducted in accordance with the FMCSRs. This applies to motor carriers that operate CMVs as defined under part 390 which includes vehicles which have a GVWR of 10,001 pounds or more or are designed to carry more than 15 passengers including the driver. In certain instances, carriers providing school bus transportation are not subject to the Bus Regulatory Reform Act of 1982 and the minimum financial responsibility requirements (part 387) issued under this Act. Transportation of school children and teachers that is organized, sponsored, and paid for by the school district is not subject to part 387.

This would include driver qualifications records (part 391), driver records-of-duty-status (part 395), accident report retention (part 390), and inspection, repair, and maintenance records (part 396) for the drivers and vehicles that are used on the trips that are subject to the FMCSRs. These records are not required under the FMCSRs for the other vehicles in the motor carrier's fleet that are not subject to the regulations.

Question 8:

Are persons who operate commercial motor vehicles (CMVs) for the personal conveyance of their friends or family members "private motor carriers of passengers (nonbusiness)" as defined in Section 390.5?

Interpretation:

No. Nonbusiness private motor carriers of passengers (PMCPs) do not include individuals providing personal conveyance of passengers for recreational purposes. A nonbusiness PMCP must be engaged in some group activity. For example, organizations that are exempt under the Internal Revenue Code (26 U.S.C. 501) and provide transportation for their members would generally be considered nonbusiness PMCPs: religious, charitable, scientific, and educational organizations, scouting groups, sports clubs, fraternal societies or lodges, etc.

390.5

Question 1: Does the FHWA define for-hire transportation of passengers identically as the ICC?

Interpretation: To the extent our authority stems from 49 USC Section 3102 or other sections of Title 49 which are rooted in the Interstate Commerce Act, we are bound by judicial precedent and legislative history in interpreting that Act, much of which relates to the operations of the ICC. However, since the MCSA of 1984 reestablished our jurisdictional authority and resulted in a repromulgation of the FMCSRs, the FHWA has been establishing its own precedents based on "safety" rather than "economics" as the overriding consideration. This has resulted in some deviation in the definition of terms by the two agencies, e.g., commercial zones, for-hire transportation, etc. The term "for-hire motor carrier" as defined in part 390 means a person engaged in the transportation of goods or passengers for compensation. Thus, when operating in interstate commerce, the transportation of passengers in motor vehicles designed to convey more than 15 passengers, including the driver, associated with the following operations would typically be subject to all parts of the FMCSRs, including part 387, since some fee is charged, usually indirectly in a total package charge or other assessment, for transportation performed: white water river rafters, hotel/motel shuttle transporters, rental car shuttle services, etc (see 58 FR27328, May 7, 1993).

PART 392 - DRIVING OF MOTOR VEHICLE

Section 392.5 INTOXICATING BEVERAGE

Question 1: Do possession and use of alcoholic beverages in the passenger area of a motorcoach constitute "possession" of such beverages under section 392.5(a)(3)?

Interpretation: No.

Question 2: Are motorcoach passengers required to wear seat belts?

Interpretation: No.

PART 393 - PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Section 393.61 WINDOW CONSTRUCTION

Question 1: Do school buses used for purposes other than school bus operations (as defined in section 390.5), have to meet additional emergency exits requirements under section 393.61?

Interpretation: Yes. Section 393.61(b)(2) says that "a bus, including a school bus, manufactured on and after September 1, 1973," [emphasis added] must conform with NHTSA's section 571.217 (FMVSS 217). At the time this provision was adopted, FMVSS 217 applied only to other buses and it was optional for school buses. The FHWA inserted the language, "including school buses," in section 393.61(b)(2) to make clear that school buses used in interstate commerce and, therefore, subject to the FMCSRs, were required to comply with the bus exit standards in Standard FMVSS 217.

Section 393.61(b)(3) regarding push-out windows provides that older buses must conform with the requirements of sections 393.61(b) or section 571.217.

Question 2: For emergency exits which consist of laminated safety glass, is the window frame or sash required to move outward from the bus as is the case with push-out windows?

Interpretation: No. Laminated safety glass is an alternative to the use of push-out windows for buses manufactured before September 1, 1973. Section 393.61(c) requires that every glazed opening used to satisfy the emergency exit space requirements, "if not glazed with laminated safety glass, shall have a frame or sash so designed, constructed, and maintained that it will yield outwardly to provide the required free opening. . . ." Laminated safety glass meeting Test No. 25, Egress, American National Standard "Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways," Z26.1-1966 as supplemented by Z26.1a-1969 (referenced in Section 393.61(c) and 393.60(a)) is intended to provide an adequate means of emergency exit on older buses without resorting to push-out windows.

However, buses with a seating capacity of more than 10 people manufactured after September 1, 1973, must have push-out windows that conform to 49 C.F.R.571.217.

Question 3: When calculating the minimum emergency exit space required on school buses used in non-school bus operations, should two or three passengers per bench seat be used in determining the adult seating capacity?

Interpretation: The National Highway Traffic Safety Administration has indicated that "School buses can transport 3 to a seat if the passengers are in grades 1 through 5, and 2 per seat in grades 9 through 12." (May 9, 1995, 60 FR 24562, 24567) Therefore, for vehicles originally manufactured as school buses, the total pupil seating capacity provided by the bus manufacturer should be multiplied by 2/3 to determine the adult seating capacity for the purposes of Section 393.61. This generally yields the same result as using two adults per bench seat.

Question 4: Do school buses which meet the school bus emergency exit requirements established by the NHTSA's November 2, 1992, final rule on Federal Motor Vehicle Safety Standard (FMVSS) No. 217 have to be retrofitted with additional emergency exits when used in interstate commerce for non-school bus operations?

Interpretation: No. On May 9, 1995, the National Highway Traffic Safety Administration (NHTSA) amended FMVSS No. 217 to permit non-school buses to meet either the current non-school bus emergency exit requirements or the upgraded school bus exit requirements established by the November 2, 1992 (57 FR 49413), final rule which became effective on September 1, 1994. Therefore, school buses which meet the upgraded emergency exit standards meet the requirements of Section 393.61 without the retrofitting of additional exits.

Question 5: Which edition of Federal Motor Vehicle Safety Standard (FMVSS) No. 217 is required to be used in determining the emergency exit space requirements when retrofitting buses?

Interpretation: The cross reference to FMVSS No. 217 applies to the requirements in effect at the time of manufacture of the bus. Motor carriers are not, however, prohibited from retrofitting their buses to the most up-to-date requirements in FMVSS No. 217. Therefore, at a minimum, motor carriers must meet the non-school bus emergency exit requirements in effect at the time of manufacture, and have the option of retrofitting their buses to meet the emergency exit requirements established by the November 2, 1992 (57 FR 49413), final rule which became effective on September 1, 1994.

Section 393.62**WINDOW OBSTRUCTIONS**

Question 1: May a bus being operated by a for-hire motor carrier of passengers, under contract with a governmental agency to provide transportation of prisoners in interstate commerce, be allowed to operate with security bars covering the emergency push out windows, and with locked emergency door exits?

Interpretation: Yes. Even when the transportation is performed by a contract carrier, the welfare, safety and security of the prisoners is under the authority of the governmental corrections agency and, thus, the agency may require additional security measures. For these types of operations, a carrier may meet the special security requirements of the governmental corrections agency regarding emergency exits. However, CMVs that have been modified to meet the security requirements of the corrections agency may not be used for other purposes that are subject to the FMCSRs unless they meet the emergency exit requirements.

Question 2: May a vehicle transport hazardous materials when equipped with retreaded tires?

Interpretation: Yes. The only CMV that may not utilize retreaded tires is a bus, and then only on its front wheels.

Section 393.89**BUS DRIVE SHAFT PROTECTION**

Question 1: For the purposes of section 393.89, would a spline and yoke that is secured by a nut be considered a sliding connection?

Interpretation: No. To be considered a sliding connection, the spline must be able to move within the sleeve. When the end of the spline is secured by a nut, it no longer has that freedom.

Question 2: On multiple driveshaft buses, does section 393.89 require that all segments of the driveshaft be protected no matter the segments' length?

Interpretation: Yes. Each driveshaft must have one guard or bracket for each end of a shaft which is provided with a sliding connection (spline or other such device).

Question 3: How does an existing pillow bearing (shaft support) on a multiple driveshaft system affect the requirement?

Interpretation: It does not affect the requirement. It is part of the requirement.

Section 393.92 BUSES, MARKING EMERGENCY DOORS

Question 1: Is a contractor-operated school bus operating in interstate commerce required to have emergency lights over the exit door?

Interpretation: Yes. Any bus used in interstate commerce for other than school bus operations, as defined in section 390.5, is subject to the FMCSRs.

PART 395 - HOURS OF SERVICE OF DRIVERS

395.2

Question 1: How must a driver record time spent on-call awaiting dispatch?

Guidance: Time free from obligations to the employer which the driver is able to use to secure appropriate rest may be recorded as off duty time. The fact that a driver must be available to receive a call to return to work, even under the threat of discipline for non-availability, does not by itself impair the ability of the driver to use this time for rest. (Regulatory Guidance FR 04/04/97)

For example, if anyone may answer the phone for an on-call driver, or if the driver may telephonically inquire from a location of his/her choice, then such time on-call may be properly logged as off-duty, provided the driver is given a reasonable amount of time to report for duty.

On the other hand, if a driver is required to personally stand by at a given location to receive a telephone notice to report for work, following or during required off-duty period, and the driver does in fact stand by, the time spent on call meets the definition of on duty time in Section 395.2, and must be recorded as such.

395.2

Question 1: If a driver is required, by a motor carrier, to carry a pager/beeper to receive notification to contact the motor carrier for a duty assignment, how should this time be recorded?

Guidance: The time is to be recorded as off-duty. (Regulatory Guidance FR 04/04/97)

- Question 2:** What conditions must be met for a CMV driver to record meal and other routine stops made during a tour of duty as off-duty time?
- Interpretation:**
- (1) The driver must have been relieved of all duty and responsibility for the care and custody of the vehicle, its accessories, and any cargo or passengers it may be carrying.
 - (2) The duration of the driver's relief from duty must be a finite period of time which is of sufficient duration to ensure that the accumulated fatigue resulting from operating a CMV will be significantly reduced.
 - (3) If the driver has been relieved from duty, as noted in (1) above, the duration of the relief from duty must have been made known to the driver prior to the driver's departure in written instructions from the employer. There are no record retention requirements for these instructions on board a vehicle or at a motor carrier's principal place of business.
 - (4) During the stop, and for the duration of the stop, the driver must be at liberty to pursue activities of his/her own choosing and to leave the premises where the vehicle is situated.
- Question 3:** How does a driver record the hours spent driving in a school bus operation when he/she also drives a CMV for a company subject to the FMCSRs?
- Interpretation:** If the school bus meets the definition of a CMV, it must be recorded as driving time.
- Question 4:** What regulation, interpretation, and/or administrative ruling requires a motor carrier to retain supporting documents and what are those documents?
- Interpretation:** Section 395.8(k)(1) requires motor carriers to retain all supporting documents at their principal places of business for a period of 6 months from date of receipt. Supporting documents are the records of the motor carrier which are maintained (or generated) in the ordinary course of business and used by the motor carrier to verify the information recorded on the driver's record of duty status. Supporting documents may include other documents which the motor carrier maintains and can be used to verify information on the driver's records of duty status. If these records are maintained at locations other than the principal place of business but are not used by the motor carrier for verification purposes, they must be forwarded to the principal place of business upon a request by an authorized representative of the FHWA or State official within 2 business days.

Question 5: What documents satisfy the requirement to show a shipping document number on a record of duty status as found in section 395.8(d)(11)?

Interpretation: The following are some of the documents acceptable to satisfy the requirement: shipping manifests, invoices/freight bills, trip reports, charter orders, special order numbers, bus bills or any other document that identifies a particular movement of passengers or cargo. In the event of multiple shipments, a single document will satisfy the requirement.

PART 396 - INSPECTION, REPAIR AND MAINTENANCE

Section 396.3 INSPECTION, REPAIR, AND MAINTENANCE

Question 1: Section 396.3(b)(5) refers to a record of tests. What tests are required of push-out windows and emergency door lamps on buses?

Interpretation: Generally, inspection of a push-out window would require pushing out the window. However, if the window may be destroyed by pushing out to test its proper functioning, a visual inspection may qualify as a test if the inspector can ascertain the proper functioning of the window without opening it. Checking to ensure that the rubber push-out molding is properly in place and has not deteriorated and that any handles or marking instructions have not been tampered with would meet the test requirement. Inspection of emergency door marking lights would require opening the door to test the lights.

APPENDIX C

LIST OF MOTORCOACH TAG MEMBERS

Region 1

Mr. Wesley Barber
Federal Highway Administration
275 Paterson Avenue
Little Falls, New Jersey 07424
(WBARBER)

Phone (201) 357-4134
Fax (201) 357-4099

Region 3

Mr. Mark J. Milligan
Federal Highway Administration
Scranton Center
401 Adams Avenue, Suite 102 E
Scranton, Pennsylvania 18503
(MMILLIGAN)

Phone (717) 346-4949
Fax (717) 821-4080

Region 4

Ms. Linda Goodman
Federal Highway Administration
Federal Building and U.S. Courthouse
330 West Broadway, P.O. Box 536
Frankfort, Kentucky 40601
(LGOODMAN)

Phone (502) 223-6775
Fax (502) 223-6767

Region 5

Mr. Ray Lukesic
Federal Highway Administration
567 D'Onofrio Drive, Suite 101
Madison, Wisconsin 53719-2814
(RLUKESIC)

Phone (608) 829-7539
Fax (608) 829-7540

Region 6

William H. Norris
Federal Highway Administration
301 Federal Building
750 Florida Boulevard
P.O. Box 4126
Baton Rouge, Louisiana 70821
(WNORRIS)

Phone (504) 389-0390
Fax (504) 382-2040

Region 7

Mr. Walter E. McVay
Federal Highway Administration
209 Adams Street
P.O. Box 1787
Jefferson City, Missouri 65102
(WMCVAY)

Phone (573) 636-3246
Fax (573) 636-9283

Region 8

Mr. Harry Thomas
Federal Highway Administration
555 Zang Street, Room 250
Lakewood, Colorado 80228
(HTHOMAS)

Phone (303) 969-6717
Ext. 390
Fax (303) 969-6740

Region 9

Mr. Richard Griffith
Federal Highway Administration
980 9Th Street, Suite 450
Sacramento, California 95814-2724
(RGRIFFITH)

Phone (916) 498-5050
Fax (916) 498-5008

Region 10

Ms. Donna Hughes
Federal Highway Administration
3050 Lakeharbor Lane, Suite 126
Boise, Idaho 83703
(DHUGHES)

Phone (208) 334-1842
Fax (208) 334-1691

National Program Coordinator

Mr. Steve Barber
Federal Highway Administration
400 7th Street, S.W., Room 3103
Washington, D.C. 20590
(SBARBER)

Phone (202) 366-2829
Fax (202) 366-7298

Regional Director - Sponsor

Mr. John Steinhoff
Federal Highway Administration
10 South Howard Street, Suite 4000
Baltimore, Maryland 21201
(JSTEINHOFF)

Phone (410) 962-0077
Ext: 3020
Fax (410) 962-2273

Rachel Vass
Federal Highway Administration
10south Howard Street, Suite 4000
Baltimore, Maryland 21201
(RVASS)

Phone (410)962-0077
Ext : 3016
Fax (410)962-2273

APPENDIX D

INDUSTRY DOCUMENTS

DRIVER _____	TRIP NO. _____
DATE _____	BUS NO. _____
GROUP _____	
BUS REQUESTED BY _____	PHONE NO. _____
ADDRESS _____	
DEPARTS FROM _____	
_____ AM _____ PM _____	
DESTINATION _____	

LEAVE TO RETURN _____	
_____ AM _____ PM _____	
PAYMENT INSTRUCTIONS _____	
LAYOVER AT _____	

THE CHARTER GROUP LEADER HAS CHECKED THIS BUS AND NO ARTICLES BELONGING TO THE CHARTER PARTY HAVE BEEN LEFT ON BOARD THE BUS AT THE FINAL DESTINATION OF THIS CHARTER TRIP. PLEASE ACKNOWLEDGE ANY DAMAGE: _____ YES _____ NO.	
EXPLAIN DAMAGE IF ANY: _____	

SIGNATURE OF PARTY LEADER _____	

COMMERCIAL CHARTER ORDER

CHARTER # 1070 CUSTOMER # 8111

**TO: WAHO TELEVISION
BUNDY STREET
LINCOLN, PA 11225**

**ORDERED BY: J.D. JONES
PHONE: (321) 456-7890**

EQUIP POINT: LINCOLN, PA

PASSENGERS: 49

BUSES: ONE

**LEAVE DATE: 12/22/96 PICK UP AT: WAHO 12 BUNDY STREET,
LINCOLN, PA**

DESTINATION: WASHINGTON, DC

TO: WHITE HOUSE

REPORT TIME: 6:45 AM

LEAVE TIME: 7:45 AM

ARRIVAL DATE & TIME: 12/22/96 ASAP

ROUTE:

RETURN FROM:

PICK UP AT LINCOLN MEMORIAL

LEAVE DATE & TIME: 12/22/96 4:30 PM

REPORT TIME: WAITING

ARRIVAL DATE AND TIME: 12/22/96 8:30 PM

ROUTE: LINCOLN, PA

ID # OF BUSES & DRIVER NAME: ONE - JOHNNY JOHNSON

RESERVATION DEADLINE: 12/10/96

CANCELLATION

DEADLINE: 12/10/96

CHARTER EXPENSES

ORDER No. _____

CREDIT CARD No. _____

NTS No. _____

DRIVER: _____

BUS No. _____

FROM _____

TO _____

DEPARTURE DATE _____

TIME _____

RETURN DATE _____

TIME _____

SPECIAL EQUIPMENT _____

CASH ADVANCE \$ _____

TOTAL EXPENSES \$ _____

BALANCE \$ _____

CASH RETURNED \$ _____

EXPENSES \$ _____

MEALS \$ _____

LODGING \$ _____

FUEL \$ _____

PARKING \$ _____

TOLLS \$ _____

MISC. \$ _____

OVERAGES \$ _____

DEDUCTIONS \$ _____

TOTALS \$ _____

OFFICE SIG. _____

**ABC Motorcoach Lines
Driver's Daily Itinerary**

Driver _____ **Date** _____

Pick Up Point _____ **Time** _____

Group _____

Destination _____

1st Stop **Arrive** _____ **Leave** _____

2nd Stop **Arrive** _____ **Leave** _____

3rd Stop **Arrive** _____ **Leave** _____

4th Stop **Arrive** _____ **Leave** _____

5th Stop **Arrive** _____ **Leave** _____

6th Stop **Arrive** _____ **Leave** _____

7th Stop **Arrive** _____ **Leave** _____

8th Stop **Arrive** _____ **Leave** _____

Drop Off Point _____ **Time** _____

